

AMENDED IN ASSEMBLY JUNE 15, 2015

AMENDED IN SENATE APRIL 22, 2015

AMENDED IN SENATE APRIL 7, 2015

**SENATE BILL**

**No. 530**

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**Introduced by Senator Pan**

February 26, 2015

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An act to amend Section 467.5 of, and to add Article 4.5 (commencing with Section 21215) to Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 530, as amended, Pan. Pedicabs.

Existing law generally regulates the operation of bicycles, including, among other things, providing that a person operating a bicycle on the highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle, including a prohibition against operating a bicycle while under the influence of an alcoholic beverage or any drug. These provisions also apply to a pedicab, as defined. A violation of the provisions regulating the operation of a bicycle or pedicab is an offense.

This bill would expand the definition of a pedicab to include a *four-wheeled* device that is primarily or exclusively pedal-powered, has a seating capacity of not more than 15 passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire, as prescribed. The bill would impose specified requirements on these pedicabs defined by the bill, relating to, among other things, operator qualifications and training, safety equipment, and passenger alcohol consumption. Because a violation of these provisions would ~~constitute an offense, be a crime~~, this bill would ~~expand the~~

~~definition of an existing crime, and would thereby impose a state-mandated local program. By imposing additional duties on local law enforcement, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*~~

~~*This bill would provide that no reimbursement is required by this act for a specified reason.*~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 467.5 of the Vehicle Code is amended
- 2 to read:
- 3 467.5. "Pedicab" means ~~either~~ any of the following:
- 4 (a) A bicycle that has three or more wheels, that transports, or
- 5 is capable of transporting, passengers on seats attached to the
- 6 bicycle, that is operated by a person, and that is being used for
- 7 transporting passengers for hire.
- 8 (b) A bicycle that pulls a trailer, sidecar, or similar device, that
- 9 transports, or is capable of transporting, passengers on seats
- 10 attached to the trailer, sidecar, or similar device, that is operated
- 11 by a person, and that is being used for transporting passengers for
- 12 hire.
- 13 (c) A *four-wheeled* device that is primarily or exclusively
- 14 pedal-powered, has a seating capacity of not more than 15
- 15 passengers, cannot travel in excess of 15 miles per hour, and is
- 16 being used for transporting passengers for hire. A pedicab defined

1 under this subdivision is subject to the requirements of Article 4.5  
2 (commencing with Section 21215) of Chapter 1 of Division 11.

3 SEC. 2. Article 4.5 (commencing with Section 21215) is added  
4 to Chapter 1 of Division 11 of the Vehicle Code, to read:

5  
6 Article 4.5. Operation of Pedicabs  
7

8 21215. A pedicab defined in subdivision (c) of Section 467.5  
9 shall operate subject to all of the following requirements:

10 (a) The operator of the pedicab shall be at least 21 years of age,  
11 with a valid California driver's license.

12 (b) The pedicab shall be equipped with seat belts for all  
13 passengers, seat backs, brakes, reflectors, headlights, and grab  
14 rails.

15 (c) A pedicab that does not meet the equipment requirements  
16 of subdivision (b) shall meet those requirements by January 1,  
17 2017, in order to continue operation.

18 (d) (1) If a local authority authorizes on-board alcohol  
19 consumption by passengers, ~~the operator of the pedicab shall meet~~  
20 ~~both a pedicab defined in subdivision (c) of Section 467.5 shall~~  
21 ~~additionally operate subject to all of the following requirements:~~

22 (A) ~~Provide an on-board safety monitor who is at least 21 years~~  
23 ~~of age. An on-board safety monitor who is 21 years of age or older~~  
24 ~~shall be present whenever alcohol is being consumed by passengers~~  
25 ~~during the operation of the pedicab.~~

26 (B) ~~Both the driver operator and safety monitor shall have~~  
27 ~~completed the Licensee Education on Alcohol and Drugs (LEAD)~~  
28 ~~program implemented by the Department of Alcoholic Beverage~~  
29 ~~Control.~~

30 (C) ~~All passengers shall be 21 years of age or older if alcohol~~  
31 ~~is consumed during the operation of the pedicab.~~

32 (2) For purposes of this subdivision, passengers who are  
33 pedaling the device are not operators.

34 21215.5. This article does not preclude a local authority from  
35 imposing more stringent operating or equipment requirements on  
36 a pedicab subject to this article.

37 ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
38 ~~Section 6 of Article XIII B of the California Constitution for certain~~  
39 ~~costs that may be incurred by a local agency or school district~~  
40 ~~because, in that regard, this act creates a new crime or infraction,~~

1 eliminates a crime or infraction, or changes the penalty for a crime  
2 or infraction, within the meaning of Section 17556 of the  
3 Government Code, or changes the definition of a crime within the  
4 meaning of Section 6 of Article XIII B of the California  
5 Constitution.

6 However, if the Commission on State Mandates determines that  
7 this act contains other costs mandated by the state, reimbursement  
8 to local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.

11 *SEC. 3. No reimbursement is required by this act pursuant to*  
12 *Section 6 of Article XIII B of the California Constitution because*  
13 *the only costs that may be incurred by a local agency or school*  
14 *district will be incurred because this act creates a new crime or*  
15 *infraction, eliminates a crime or infraction, or changes the penalty*  
16 *for a crime or infraction, within the meaning of Section 17556 of*  
17 *the Government Code, or changes the definition of a crime within*  
18 *the meaning of Section 6 of Article XIII B of the California*  
19 *Constitution.*